IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Date: June 6, 2006
YAUNG, et al.	Confirmation No: 2684
Serial No: 09/800,400	Group Art Unit: 2176
Filed: March 5, 2001	Examiner: Sain, Gautam

For: METHOD AND SYSTEM FOR PROVIDING PUBLISHING ON A DYNAMIC PAGE BUILDER ON THE INTERNET

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

I.   Claims 1-3, 6-10, 13-17, and 20-21 Are Not Unpatentable Under 35 U.S.C. § 103.

In the above-identified Office Action, the Examiner rejected claims 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, and 21 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,546,387 (Triggs) in view of U.S. Application Publication No. US 2002/0138582 (Chandra), in further view of U.S. patent 6,724,219 (Lindhorst).

Appellant respectfully submits that the applied rejections of claims 1, 8, and 9 under 35 U.S.C. § 103 are without merit as the Examiner has completely failed to explain why Triggs in view of Chandra in further view of Lindhorst teaches or suggests the method, computer-readable medium, and system recited in claims 1, 7 and 14. Independent claims 1, 7, and 14 recite a system, method, and computer-readable medium, respectively, for publishing a message using a

page builder tool that provides a web page and links the web page to a searchable database. In particular, independent claim 1 recites:

> a message caching agent for receiving the message;
> a message cache coupled to the message caching agent . . . the message cache receiving the message from the message caching agent . . . [and] being a local cache for the page builder tool; and
> a message publishing agent . . . for retrieving the message from the message cache and allowing the message to be published. . . by pushing the message to the web browser through the page builder tool.

Independent claims 7 and 14 recite analogous method and computer-readable medium claims.

Triggs in view of Chandra in further view of Lindhorst fail to teach or suggest the recited combination including the message caching agent that stores the message in the local message cache, and a message publishing agent that retrieves the message from the message cache and pushes the message to a browser, thus publishing the message through the page builder tool.

Triggs describes a system for managing information on a computer network. Triggs, Abstract. Triggs does describe an email reader and a web builder. The email reader monitors email accounts and if the appropriate messages are available, posts the messages to a server. Triggs, col. 5, lines 54-57. To do so, the email reader simply provides the message to the server, which may perform further processing on the message. Triggs, col. 8, lines 18-22. Thus, the email reader of Triggs does not use a message caching agent to store a message in the local cache. Furthermore, because the email reader simply uploads the message to a server, there is no apparently need for the message to be retrieved from the message cache using a message publishing agent prior to the message being published. The message or web content is also not pushed to a web browser. Instead, at most, certain employees may be notified that new content is available. Applicant has found no indication in Triggs that this notification includes pushing the content to the web browser.

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Triggs, therefore, also fails to teach or suggest publishing a message including using the message publishing agent to push the message to the web browser, for example through a page builder tool.

Chandra describes a method for associating related messages in computer storage. Chandra, Abstract. Chandra describes creating "snapshots" of applications, and storing these snapshots in a local cache so that the user can view the snapshots off line. Chandra, paragraph 362. However, Chandra does not publish messages using the local cache and a message publishing agent to retrieve the message from the local cache and push it to the web browser. Instead, it appears as though the blocks are provided to the local cache for the limited purpose of viewing by the client. Chandra, paragraph 362. Applicant has found no mention in Chandra of using the local cache for publishing messages or pushing the message being published to web browsers. Instead, any pushing of messages appears limited to email messages. See, for example, Chandra, paragraphs 184 and 536.

The vast majority of Lindhorst relates to providing a drag and drop development environment for editing page scripts. Lindhorst, Abstract; col. 1, lines 19-22; and col. 4, line 65-col. 7, line 15. Applicant does agree that Lindhorst mentions in passing that the "initial instantiation [of a objects for a page]. . . may occur without a request from a browser, for example, for the purposes of broadcasting or multicasting using a push web model." Lindhorst, col. 14, lines 10-20; col. 15, lines 15-18; and FIG. 5. Applicant has found no mention in the cited portions of Lindhorst of a message caching agent, a message publishing agent, or a message cache that is local and accessed by the message caching agent and message publishing agent.

Triggs teaches reading email messages and uploading (posting) certain content to a server. If the teachings of Chandra were added to those of Triggs, a local cache might be added to the system of Triggs. Thus, in addition to obtaining messages and posting them to a server, the local cache would add the limited functionality of allowing a user to view content offline. There is no

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indication that the combination would use the email readers of Triggs to access the local cache of Chandra for any purpose, much less for the purpose of publishing messages. If the teachings of Lindhorst were added to those of Triggs and Chandra, the combination might incorporate the drag and drop development environment of Lindhorst to the page builder of Triggs. Certain objects provided to the page by the developer might thus be pushed. However, there is no indication in the cited portions of Triggs, Chandra, and Lindhorst that such objects would include messages being broadcast. Because the cited portions of Triggs, Chandra, and Lindhorst fail to teach or suggest the message caching agent storing the message to a message cache that is a local to and coupled to a page builder tool in combination with using a message publishing agent to retrieve a message from the local message cache and publish the message through the page builder tool by pushing the message to the browser, the combination of Triggs, Chandra, and Lindhorst fail to teach or suggest these features. Moreover, Applicant respectfully submits that a conclusion that Triggs in view of Chandra in further view of Lindhorst render claims 1, 7, and 14 unpatentable involves improper hindsight afforded by the claimed invention. Accordingly, Applicant respectfully submits that claims 1, 7, and 14 are allowable over the cited references.

Claims 2, 3, and 6 depend on independent claim 1. Claims 8, 9, 10 and 13 depend upon independent claim 7. Claims 15, 16, 17, 20, and 21 depend upon independent claim 14. Consequently, the arguments herein apply with full force to claims 2-3, 6, 8-10, 13, 15-17, and 20-21. Accordingly, Applicant respectfully submits that claims 2-3, 6, 8-10, 13, 15-17, and 20-21 are allowable over the cited references.

Examiner also rejected claims 4, 5, 11, 12, 18, 19, 22, and 23 under 35 U.S.C. § 103 as being unpatentable over Triggs in view of Chandra in further view of U.S. Patent No. 6,697,825 (Underwood) in further view of Lindhorst.

Applicant respectfully disagrees with the Examiner's rejection. Claims 4, 5, 11, 12, 18, 19, 22, and 23 depend upon independent claims 1, 7, and 14. Consequently, the arguments herein apply with full force to claims 4, 5, 11, 12, 18, 19, 22, and 23.

Underwood fails to remedy these defects of Triggs in view of Chandra in further view of Lindhorst. Underwood teaches the use of a Web Definer. However, Applicant can find no mention in Underwood of using a message caching agent to store the message to a message cache that is a local to and coupled to a page builder tool; retrieving a message from the local message cache using a message publishing agent; and publishing the message through the page builder tool by using the message publishing agent to push the message to the browser. Consequently, Underwood fails to remedy the defects of Triggs in view of Chandra in further view of Lindhorst. Any combination of Triggs in view of Chandra in further view of Lindhorst and Underwood, therefore, would also be absent these teachings. Accordingly, Applicant respectfully submits that claims 4, 5, 11, 12, 18, 19, 22, and 23 are allowable over the cited references.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 1, 3-8, 10-15, and 17-23 under 35 U.S.C. § 103.

Respectfully submitted,

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